

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWON MC BRIDE,

Defendant.

8:09CR448

ORDER

Defendant Shawon McBride (McBride) appeared before the court on August 16, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 59). McBride was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Robert C. Sigler. Through his counsel, McBride waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that McBride should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Through counsel, McBride declined to present any evidence but proffered he would obtain a substance abuse evaluation and abide by the conditions of supervised release. Since it is McBride's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds McBride has failed to carry his burden in light of the repeated usage of controlled substances and the repeated failure to report for scheduled substance abuse evaluations. The court finds McBride should be detained pending a dispositional hearing before Chief Judge Smith Camp.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on October 3, 2013**. Defendant must be present in person.
2. Defendant Shawon McBride is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 19th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge